



Town of Wilton, NH

Application to the Zoning Board of Adjustment

(Revised January 2011)

General Information, Page 1 of 3

Property Information

Describe the lot involved in the application (the lot that you want to build a building on, subdivide, conduct a business or other activity on, etc.). If more than one lot is involved, then describe them all in this space if it is convenient, or attach additional copies of this page.

Tax Map and Lot Number h-045 Lot Size ~~0.45~~ 0.2 acres
 Street Address 52 Island St. Wilton NH 03086

Zoning District (check one):

- Residential General Residence and Agricultural
- Commercial Industrial Office Park

Relevant Overlay Districts (check any that apply):

- Research and Office Park Floodplain Conservation Watershed
- Wetlands Conservation Aquifer Protection Elderly Housing

Owner

If the application involves multiple lots with different owners, attach additional copies of this page.

Name Dennis + Stephanie Gilbert
 Mailing address PO Box 506
 Mailing address _____
 Town, State, ZIP Wilton, NH 03086

This application must be signed by the owners of all lots involved in the application.

I approve the submission of this application. If an applicant or representative is named on the next page, the person named there has my permission to represent me before the Wilton Zoning Board.

Signature Dennis Gilbert Stephanie Gilbert Date 7/23/2020

(continued on the next page)

clerk use only	
Date and time received: _____	
Received by: _____	Amount paid: _____
Case #: _____	<input type="checkbox"/> Abutter list and labels included



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Applicant

The applicant is the person who actually wants to build the building, conduct the business, etc. This is usually the same as the property owner, but might be a tenant, someone who plans to purchase the property, etc. If the applicant is the same as the owner, just check "Same as owner" and leave the rest of this section blank.

Same as owner

Name Deni Gut DG

Mailing address _____

Mailing address _____

Town, State, ZIP _____

Signature of Applicant or Owner

I certify that to the best of my knowledge and belief, all information provided in this application is accurate.

Signature Deni Gut Nyranie Albid Date 7/23/2020

Representative

Fill out this section if the application is being submitted by a realtor, surveyor, engineer, attorney, etc., on behalf of the actual owner or applicant.

Name _____

Mailing address _____

Mailing address N/A

Town, State, ZIP _____

I authorize the above-named representative to submit this application and to speak before the Zoning Board on my behalf.

Signature of applicant or owner

Signature _____ Date _____

(continued on the next page)



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Contact Information

How can we get in touch with the applicant or the applicant's representative, if there are questions about or problems with the application? Provide at least one of the following. If you provide more than one, please check your preferred form of contact.

This information is for: the applicant the representative.

Daytime phone 603-321-0689 Evening phone ^{day} 603-321-0198

Work E-mail _____ Personal e-mail Gilbert 48 @comcast.net

Proposed Use

Explain what you want to do with the property. (Do you want to build a building, subdivide a lot, have a business, ...).

Explain why you need the Zoning Board to let you do it. (The building will be too close to the lot line; the Planning Board wouldn't approve your subdivision; your lot is in a zoning district where businesses aren't allowed; ...).

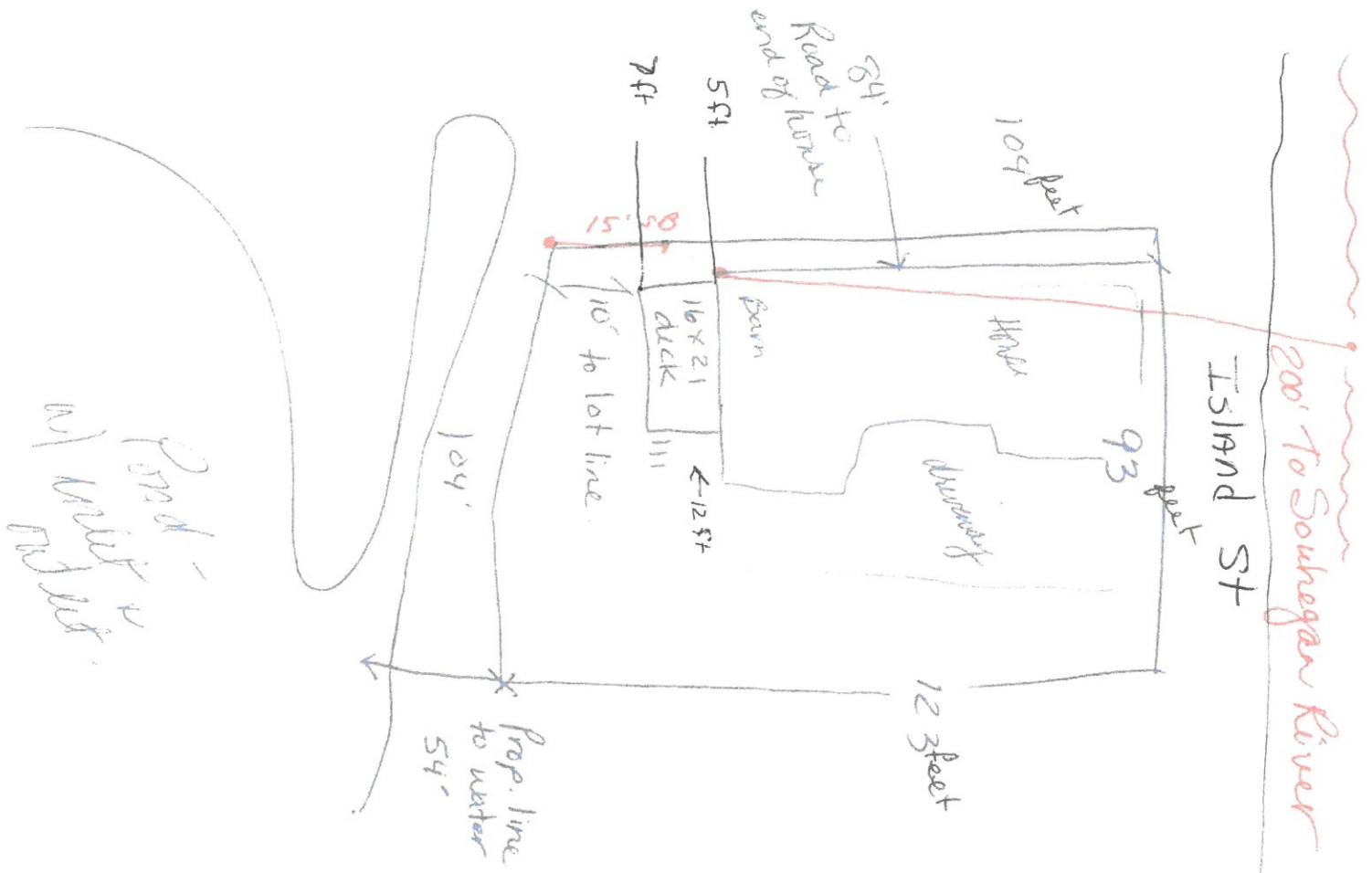
Be specific. Identify the section or sections of the Zoning Ordinance that apply. If lot sizes or configurations or building placements are relevant, provide a scale drawing or plan showing all relevant information, such as lot lines, setbacks, present and proposed structures on your lot and neighboring lots, etc.

Description of proposed use and need for ZBA approval (use this page; attach additional pages as necessary):

We have built a deck. The building
inspector has determined it is less than
50 feet from a body of water. This is not
a primary structure. It is an accessory.

(see attached map)
per building inspector.

We have built a deck 16' x 21', which is attached to the barn. The deck to property line is 35' feet. Property line from the street (Paro side) corner to corner is 104' feet + or - , (according to the building inspector). We would like this approved due to the Wetland setback and the lot line setbacks for the deck. Please see attached map, per the building inspector.



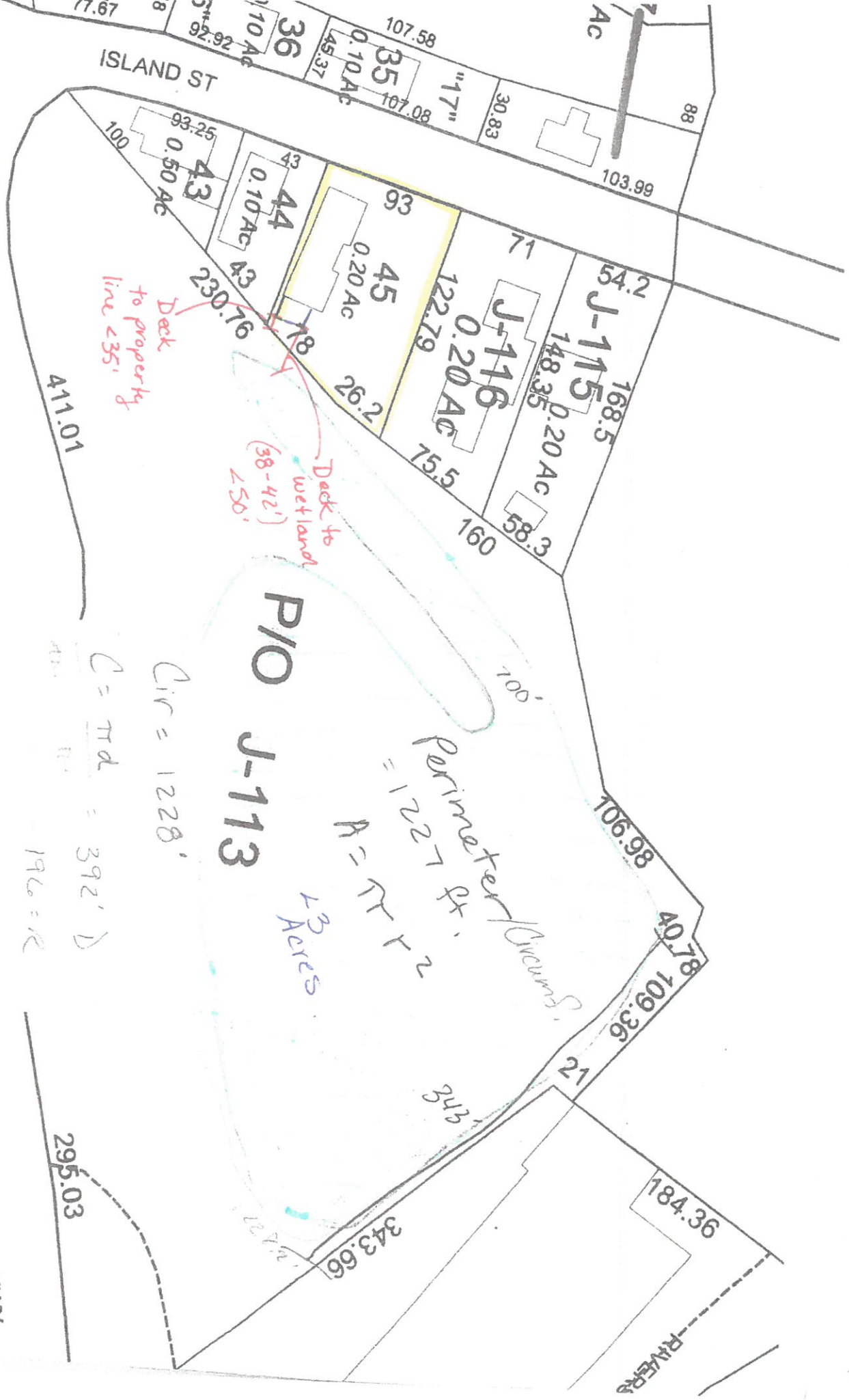
Site Plan for 52 Island St.

Wilton, NH

lot L-045 0.2 acres

Owners: Stephanie + Dennis Gilbert

Purpose: Add a deck behind barn



Deck
to property
line < 35'

Deck to
wetland
(38-42')
250'

P/O J-113

Perimeter Circum.
= 1227 ft.

$A = \pi r^2$
= 3 Acres

$C = \pi d = 392'$

$A = 120,625 = 43 \text{ Acres}$

$196 = r$

$Circ = 1228'$

GIBBONS HWY

184.36

RAVERS

295.03

343.66

22

106.98

40.78

109.36

700'

160

J-116

0.20 Ac

75.5

26.2

45

0.20 Ac

93

44

0.10 Ac

43

0.50 Ac

ISLAND ST

411.01

Ac

88

103.99

30.83

"17"

107.58

107.08

0.10 Ac

35

0.10 Ac

36

110 Ac

17.67

92.92

100

93.25

100

230.76

43

100

100

100

100

100

100

100

100

100



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Application for a Special Exception

A Special Exception is a use which is permitted by the Zoning Ordinance, but requires approval from the Zoning Board. Most special exceptions have a list of requirements; the Zoning Board can only approve the special exception if it finds that all the requirements are satisfied.

Note that in addition to the specific requirements that may be listed for a particular special exception, all special exceptions are subject to the general requirements in Section 4.4 of the Zoning Ordinance.

What section of the Zoning Ordinance defines the Special Exception that you are applying for? 4.4 + 17.3

Explain why your proposed use satisfies the requirements of the Zoning Ordinance: _____

please see attached

Special Exceptions

4.4

- a. We feel we qualify under the Special exceptions.
- b. The proposed structure (deck) use is consistent with and will not substantially affect the Character of the neighborhood. In fact, we think it will improve the appearance of the neighborhood.
- c. The proposed structure (deck) will comply with section 4.6. There will be NO smoke, vibrations, and noise or storm water issues within this area. This area is to be used as a peaceful setting, enjoying the wildlife that we have, such as a returning family of geese, quail, hedgehogs and wild birds.
- d. The proposed (deck) use will not cause any diminution of surrounding property values.
- e. The effect of the proposed deck with will not have an impact on traffic in the neighborhood or the Town and will be acceptable. There will be no increase on traffic or parking.
- f. We do not find this applicable. This is for private use only. Sewer, water and other public facilities are adequate for the proposed use. There will be no public use for the deck. There will be no running water or sewer for public use.
- g. We do not find this applicable. This is not for public use, private use only.
- h. The proposed is will not be detrimental to the attractiveness of the Town. We believe this will enhance the Towns beauty.
- i. We believe the use is consistent with the Zoning Ordinance
- j. We believe the proposed use of the deck meets all the other criteria in the section of the Ordinance with Special Exceptions.

Special Exceptions

17.3

- a. The lot dimensions or existing structure have been in existence prior to the adoption of the setback requirements that are to be reduced. The existing structures were built in 1880.
- b. Please adjust the setback to the lot line, as it is only approximately 8-12 feet.
- c. The proposed structure (deck) and its placement are kept in the development of the neighborhood.
- d. The special exception is the deck attached to the back of the barn.
- e. The dimensions of the deck are within reasonable use.



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Application for an Equitable Waiver, Page 1 of 2

When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by the Zoning Ordinance, the Zoning Board can grant an "Equitable Waiver" from the requirement. See RSA 674:33-a.

What requirement of the Zoning Ordinance is violated? The Zoning Ordinance in violation is Wetland Setbacks 4.6.7 and Lot Line Setbacks 5.2.3. These were violated by building a 16x21 deck.

What section of the Zoning Ordinance is the requirement in? Wetland Setbacks 4.6.7 + Lot line setbacks 5.2.3

It is your responsibility to prove each of the following facts to the Zoning Board. Please explain why you believe that each of the following statements is true. (Use additional sheets of paper if necessary.) See the note on "Burden of Proof" in the "General Information" section at the beginning of this application.

1. Either:

(a) The violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official, until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value: _____

_____ see attached _____

and

(b) The violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority: _____

_____ see attached _____

Or:

(c) The violation has existed for 10 years or more, and that no enforcement action, including written notice of violation, has been commenced against the violation during that time by the municipality or any person directly affected. _____

_____ N/A _____

(continued on the next page)



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Application for an Equitable Waiver, Page 2 of 2

2. The physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property. _____

see attached

3. Due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected. _____

see attached

Equitable Waiver

1.
 - a We were unaware of the violation of the structure until after the deck was substantially built.
 - b The violation was not an outcome of ignorance of the ordinance on part of the owner. It was instead caused by good faith error made by the owner.
 - c N/A
2. The physical dimension violation, of the deck, does not constitute a public or private nuisance or diminish the value of other properties in the area. This also does not interfere or affect any present or permissible future use of the properties. The construction of the deck does not interfere with anybody of water.
3. It would not be cost effective to remove the deck. The public has nothing to gain with the deck being removed. We feel it adds to the beauty of the area. As the deck in question is not public or private nuisance. As there would not be any impact on the environment or the neighbors. We feel the deck would bring up the surrounding property values.



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Application for a Variance, Page 1 of 2

When, because of the specific characteristics of your property, the Zoning Ordinance unreasonably restricts your use of your property without a corresponding public benefit, the Zoning Board may grant a Variance, which modifies or sets aside particular requirements of the Ordinance.

The specific section of the Zoning Ordinance to be varied: Wetland Conservation District

The requirement in that section that you want to change, and how you want it changed: 4.6.7 Setbacks

We are asking the ZBA
to reduce the set back requirements

To grant a variance, the Zoning Board must decide that it will satisfy each of the following five conditions. Please explain why you believe that each of the following statements is true. (Use additional sheets of paper if necessary.)

1. Granting the variance would not be contrary to the public interest: _____

see attached

2. Granting the variance would be consistent with the spirit of the Ordinance: _____

see attached

3. Granting the variance would do substantial justice: _____

see attached

4. The proposed use will not diminish surrounding property values: _____

see attached

(continued on the next page)



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Application for a Variance, Page 2 of 2

5. Literal enforcement of the provision of the ordinance would result in unnecessary hardship. Complete just one of sections 5(a), 5(b), or 5(c):

5(a) i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property:

see attached

ii. The proposed use is a reasonable one:

see attached

iii. The hardship is a consequence of special conditions of the property that distinguish it from other properties in the area:

5(b) i. The property cannot be reasonably used in strict conformance with the ordinance:

N/A

ii. The hardship is a consequence of special conditions of the property that distinguish it from other properties in the area:

N/A

5(c) **Hardship resulting from a physical disability.**

i. The variance is necessary to make reasonable accommodations to allow a person with a recognized physical disability to reside in or regularly use the premises:

N/A

ii. The variance is in harmony with the general purpose and intent of the zoning ordinance:

N/A



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Application for a Variance, Page 1 of 2

When, because of the specific characteristics of your property, the Zoning Ordinance unreasonably restricts your use of your property without a corresponding public benefit, the Zoning Board may grant a Variance, which modifies or sets aside particular requirements of the Ordinance.

The specific section of the Zoning Ordinance to be varied: Residential District 5.2.3 ^{Setbacks}

The requirement in that section that you want to change, and how you want it changed:

Setbacks are 15 feet from side and rear property lines. We would like the ZBA to reduce the setback requirements.

To grant a variance, the Zoning Board must decide that it will satisfy each of the following five conditions. Please explain why you believe that each of the following statements is true. (Use additional sheets of paper if necessary.)

1. Granting the variance would not be contrary to the public interest: _____

see attached

2. Granting the variance would be consistent with the spirit of the Ordinance: _____

see attached

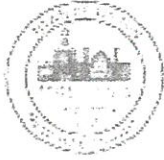
3. Granting the variance would do substantial justice: _____

see attached

4. The proposed use will not diminish surrounding property values: _____

see attached

(continued on the next page)



Town of Wilton, NH
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Application for a Variance, Page 2 of 2

5. Literal enforcement of the provision of the ordinance would result in unnecessary hardship. Complete just one of sections 5(a), 5(b), or 5(c):

5(a) i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property:

see attached

ii. The proposed use is a reasonable one:

see attached

iii. The hardship is a consequence of special conditions of the property that distinguish it from other properties in the area:

5(b) i. The property cannot be reasonably used in strict conformance with the ordinance:

N/A

ii. The hardship is a consequence of special conditions of the property that distinguish it from other properties in the area:

N/A

5(c) **Hardship resulting from a physical disability.**

i. The variance is necessary to make reasonable accommodations to allow a person with a recognized physical disability to reside in or regularly use the premises:

N/A

ii. The variance is in harmony with the general purpose and intent of the zoning ordinance:

N/A

Variance Pg. 1 of 2

1. The physical or dimensional violation does not constitute a public or private nuisance, nor does it diminish the values of the other properties in the area. The deck in questions does not interfere with or adversely affect any present or permissible future use.
2. The variance will not be contrary to the public interest. The deck is for private use only.
3. We believe granting the variance would allow us to enjoy family time, in a nice quiet area. This area is to be used as a peaceful setting. As we are able to enjoy the wild life, such as a returning family of geese, quail, hedgehogs and wild birds. Time to relax during these very difficult times. Also, to enjoy time with family and our first granddaughter with the thought of keeping her safer.
4. The use of this deck will not diminish the surrounding property values. The physical dimension of the deck, does not constitute a public or private nuisance or diminish the value of other properties in the area. This also does not interfere or affect any present or permissible future use of the properties.

Variance Pg. 2 of 2

- 5a i. The physical or dimensional violation does not constitute a public or private nuisance, nor does it diminish the values of the other properties in the area. The deck in questions does not interfere with or adversely affect any present or permissible future use. There is not run off water nor does it run near the canal.
- 5 ii. Yes, the deck is a very reasonable. The deck in question does not interfere with anyone in the surrounding area. The deck is enjoy family time, in a nice quiet area. This area is to be used as a peaceful setting. As we are able to enjoy the wild life, such as a returning family of geese, quail, hedgehogs and wild birds. Time to relax during these very difficult times. Also, to enjoy time with family and our first granddaughter with the thought of keeping her safer.
- 5 iii. We believe this will also make our property safer and easier to use as we get older. It gives us another options to exit our house, if there was ever a fire. It also easier when we bring our dog outside on his leash, as he enjoys it, as well as we do.
- 5 b i N/A
- 5 b ii N/A
- 5 c i N/A
- 5 c ii N/A

We believe the proposed use of the (deck) satisfies the requirements of the Zoning Ordinance. The original structures, house and barn, were built in 1880, before these rules were put into place. The deck will be private use only. There will not be a traffic issue, as it does not interfere with any public or private use. There is not any sewer or running water on or near this deck. There is no impact on the environment or the neighbors. There is not a drainage problem on or near the deck. Water does not accumulating anywhere. The deck does not interfere with any body of water. Everything drains as it did before the deck.

This area is to be used as a peaceful setting. As we are able to enjoy the wild life, such as a returning family of geese, quail, hedgehogs and wild birds. Time to relax during these very difficult times. Also, to enjoy time with family and our first granddaughter with the thought of keeping her safer.

We also believe this will enhance the Towns beauty. Not only does it improve the quality and beauty of the Town, it improves the value of our property and the neighborhood.

With the deck, being positioned where it is, we will feel like we are on vacation. Without leaving the state and spending money elsewhere. This will also make our property safer and easier to use as we get older. It gives us another options to exit our house, if there was ever a fire. It also easier when we bring our dog outside on his leash, as he enjoys it, as well as we do.

This property is extremely special and has many precious memories to us. First, because I grew up across the street, 41 Island Street, in the yellow duplex. Secondly, Dennis and I raised our children next door, 42 Island Street, in the apartment in the back. Living here brings back many fond memories of my childhood and memories of our children playing in the same neighborhood.

Thank you for your time and hopefully your forgiveness on this matter.

Stephanie Gilbert

Dennis Gilbert

Stephanie & Dennis Gilbert

52 Island St.

PO Box 506

Wilton, NH 03086

603-321-0198 (cell)

603-654-3883